

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

SINGULAR COMPUTING LLC,

Plaintiff,

v.

GOOGLE LLC,

Defendant.

Civil Action No. 1:19-cv-12551-FDS

Hon. F. Dennis Saylor IV

**PLAINTIFF SINGULAR COMPUTING LLC'S UNOPPOSED
MOTION TO IMPOUND PURSUANT TO LOCAL RULE 7.2**

Pursuant to Local Rule 7.2 and the Protective Order in this case (“Protective Order”), ECF No. 87, plaintiff, Singular Computing LLC (“Singular”), respectfully requests the Court to impound (seal): Singular’s Emergency Motion to Reopen Discovery Regarding Defendant’s Production of Relevant Email Evidence on July 12, 2023, and Exhibits B-D and F-H to the Declaration of Kevin Gannon in support of Singular's Emergency Motion to Reopen Discovery Regarding Defendant’s Production of Relevant Email Evidence on July 12, 2023. Singular is filing redacted public versions of these documents concurrently herewith. Defendant Google LLC (“Google”) does not oppose this Motion to Impound/Seal.

The Protective Order allows the parties to designate discovery material as “Highly Confidential - Source Code” or “Highly Confidential - Attorney’s Eyes Only” after making a determination it “contains or reflects information that is extremely confidential and/or sensitive in nature and the Producing Party reasonably believes that the disclosure of such Discovery Material is likely to cause economic harm or significant competitive disadvantage to the Producing Party.” *Id.* at ¶ 8(a) and ¶ 9(a).

The Protective Order requires a party intending to make court filings referring to material designated as “Highly Confidential Attorney’s Eyes Only” to bring a motion to impound. *Id.* at ¶ 14. The following contain information that has been designated by one or both of the parties hereto as “Highly Confidential - Source Code” or “Highly Confidential - Attorney’s Eyes Only” under the Protective Order:

- Singular’s Emergency Motion to Reopen Discovery Regarding Defendant’s Production of Relevant Email Evidence on July 12, 2023
- Exhibits B-D and F-H to the Declaration of Kevin Gannon in support of Singular’s Emergency Motion to Reopen Discovery Regarding Defendant’s Production of Relevant Email Evidence on July 12, 2023.

For the foregoing reasons, Singular respectfully requests that the Court permit it to file the above identified documents under seal. Singular further requests that the documents remain impounded until further Order by the Court, and that upon expiration of the impoundment that the documents be returned to Singular’s counsel.

Dated: July 17, 2023

Respectfully submitted,

/s/ Kevin Gannon

Matthew D. Vella (BBO #660171)

Adam R. Doherty (BBO #669499)

Kevin Gannon (BBO #640931)

Brian Seeve (BBO#670455)

Daniel McGonagle (BBO #690084)

PRINCE LOBEL TYE LLP

One International Place, Suite 3700

Boston, MA 02110

Tel: (617) 456-8000

Email: mvella@princelobel.com

Email: adoherty@princelobel.com

Email: kgannon@princelobel.com

Email: bseeve@princelobel.com

Email: dmcgonagle@princelobel.com

Kerry L. Timbers (BBO #552293)

SUNSTEIN LLP

100 High Street
Boston, MA 02110
Tel: (617) 443-9292
Email: ktimbers@sunsteinlaw.com

ATTORNEYS FOR THE PLAINTIFF

LOCAL RULE 7.1 CERTIFICATION

I, Kevin Gannon, counsel for Singular Computing LLC, hereby certify that I conferred with counsel for Google LLC to resolve the issues presented in this motion but, after a good faith attempt to reach agreement, the parties were unable to do agree on a pretrial schedule.

/s/ Kevin Gannon

CERTIFICATE OF SERVICE

I certify that all counsel of record who have consented to electronic service are being served with a copy of this document via the Court's CM/ECF system.

/s/ Kevin Gannon